

March 30, 2012



Before the Federal Communications Commission

In the Matter of	)	IB Docket 11-109
Lightsquared Inc's	)	ET Docket No 10-142
Petition for Declaratory Ruling	)	
	)	
	)	

Reply Comment filed by Concepts To Operations, Inc.

Concepts To Operations, Inc., a Maryland Telecommunications consulting and Engineering firm focused on Public Safety communications in all frequency bands files this letter making recommendations to the Federal Communications Commission (FCC) on correcting the mistakes made in the aforementioned proceeding to ensure that the problems which have arisen due to those mistakes made in this proceeding are not repeated in future proceedings.

Concepts To Operations has had a long history (22 years) of working with the Federal Communications Commission (FCC) in providing advice to clients and filing both analysis and position papers related to the FCC deviations from rules and procedures. Concepts To Operations an active participant in the 800 MHz re-banding proceedings sees a number of issues and patterns in Proceedings IB 11-109 and the FCC rulings and waiver approvals which continue to repeat themselves in proceeding after proceeding.

**A. Protection of Licensed Spectrum from Interference and Overloading**

The basis of development of telecommunications systems in the United States has been the ability of the licensee to depend upon spectrum and channels free of interference. The FCC, the Executive and Legislative branches as well as the judicial branch of our Federal Government have all promoted this position, going so far as to raise billions of dollars in auction proceeds with the sale of spectrum by ensuring such protection. The FCC has in each instance suggested that the primary benefit to each and every licensee is that its spectrum and investment will be protected from unlicensed devices. It has further set forth in its auctions rules and multiple orders and proceedings, that NTIA be designated as the organization to facilitate frequency coordination between licensed users and governmental operations to further promote its policy of non-spectrum interference. Protection of auctions and licensed spectrum buyers has been the result.

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## ***“PROFESSIONALS PUTTING GOOD IDEAS TO WORK”***

Sadly, at no time in our 22 years of professional services, has Concepts To Operations seen the FCC ignore its own findings as well as the recommendations of NTIA for filtering GPS devices as recommended after a thorough review when the spectrum was granted to Lightsquared. The result of this ignorance of recommendation and findings (as suggested by Lightsquared) is uncertainty and a wholesale undermining of the authority of the FCC to regulate the industry with certainty.

Upon reviewing the records of the proceedings, it is clear that the FCC failed in its obligation to develop, approve, and enforce the recommended filtering as suggested by NTIA in earlier proceedings. Had the FCC committed to full implementation of the filter standards, the actions and the issues in this matter would not have arisen.

**RECOMMENDATION:** The FCC should direct its staff in full cooperation with the GPS industry for the development of adequate filters to ensure that the next generations of GPS receivers operate within their designated frequency range. Concepts To Operations further recommends the FCC review other proceedings in which “recommendations” have been made to develop standards to ensure compatible uses in closely located frequency bands.

### **B. Similarities to Nextel interference**

Concepts To Operations has long been a commentator on issues and matters related to the 800 MHz re-banding proceeding. Concepts To Operations filed recommendations early on in the proceedings which strongly urged better coordination and separation of frequencies to solve the interference solution for the critical missions of public safety entities. As in the proceedings for Nextel, the FCC proceeded to charge the offending party (in this matter the GPS manufacturers) with the responsibility and the cost for solving the problem. Unfortunately, due to the actions of the Legislative Branch of the Government and the FCC, the testing and ultimately the pursuit of the solution have ceased.

**RECOMMENDATION:** Concepts To Operations believes strongly that the FCC should alter their position and direct that Lightsquared continue to show that they can provide service as required in the previous FCC orders where minimal to no interference can be shown. The FCC should also mandate that the GPS Providers set aside a fund from sales of any device to ensure that when a solution is reached, a recall of devices occurs to “retrofit” those devices with proper filters.

### **C. Lack of Technical ability at the Federal Communications Commission**

Over the last 10 years, Concepts To Operations has witnessed a substantial change in the technological abilities of the FCC staff to understand and to craft regulations as the telecommunication industry is changing. Too often the FCC has granted waiver after waiver to rules and regulations due to them being outdated or “technologically obsolete”. In this matter, the FCC staff had over eight (8) years to understand the

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## ***"PROFESSIONALS PUTTING GOOD IDEAS TO WORK"***

change in the MSS band and the implication of the approval for ATC augmentation. Concepts To Operations has witnessed in the last 10 years a growing staff of "lawyers and Lobbyists" (in the hallways) of the agency instead of the "best and brightest minds" of the country being proactive and knowledgeable with spectrum allocation and permissible uses.

**RECOMMENDATION:** Concepts to Operations strongly urges the FCC to hire in house or outsource highly technical functions to ensure that the FCC has the best and the brightest advising the FCC on future spectrum policy rather than a cadre of lawyers. Prior to the role of the FCC becoming an auction house, the FCC did have some of the best technological minds in the country on its staff.

D. Where does LightSquared go from here

Concepts To Operations strongly supports that position of licensed users of spectrum. It has been the longstanding policy of the FCC, NTIA and other Federal Government agencies as well. Lightsquared and its investors have relied upon and have worked within the governmental framework for more then 8 years to bring this service to fruition, only to have the long standing policies of the FCC not enforced. As such, the FCC and the Federal Government who is quick to "benefit financially" from the proceeds of "auctions" must now ensure that Lightsquared is made financially whole.

**RECOMMENDATION:** Concepts To Operations strongly urges the FCC to recommend and pursue a policy in this proceeding of equitable fairness and balance. Lightsquared should be asked to provide a complete analysis of funds and equipment committed to its license. Should any of the equipment and funds be deemed to have little to no value either because no solution is found or alternative spectrum is granted, the FCC and the Federal Government has a duty under its constitutional guarantees to ensure that Lightsquared is compensated. Just as the public safety entities have been provided "comparable facilities" in the 800 MHz proceeding, so should Lightsquared.

Concepts To Operations would like to thank the FCC for the opportunity to provide these comments and recommendations and would hope that the FCC would give full weight and consideration to them.

Sincerely,



Alejandro A. Calderon  
President & CEO

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